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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re:

PACIFIC THOMAS CORPORATION,
dba PACIFIC THOMAS CAPITAL, dba
SAFE STORAGE,

Debtor

Case No. [16-cv-06443-MMC](#)

ORDER DISMISSING APPEAL

By order filed January 17, 2017, the Court found the orders that appellant Randall Whitney seeks to appeal in the above-titled action are interlocutory in nature, and directed appellant to file, no later than February 3, 2017, a motion for leave to appeal. Appellant has not filed a motion for leave, and appellee Kyle Everett has filed a response to the Court's order, by which appellee requests the above-titled appeal be dismissed in light of appellant's failure to file a motion for leave by the deadline set by the Court.

Having fully considered the matter, the Court hereby DISMISSES the above-titled appeal for lack of subject matter jurisdiction, as leave to appeal has not been sought, let alone granted. See 28 U.S.C. § 158(a)(3) (providing district courts have jurisdiction to hear appeals from interlocutory orders of bankruptcy court only "with leave of court").

IT IS SO ORDERED.

Dated: March 9, 2017


MAXINE M. CHESNEY
United States District Judge